

# ***Advancing Women's Rights Globally***



## **Project Partners:**

**Georgetown University Law Center's International Women's Human Rights Clinic  
Leadership and Advocacy for Women in Africa - Ghana  
Law and Advocacy for Women - Uganda  
Nigeria Women's Rights Advancement and Protection Alternative  
Tanzania Women's Legal Aid Centre**

## **Consolidated First, Second, Third and Fourth Quarterly Reports**

**November 1, 2002 – October 31, 2003**

**Submitted By: Susan Deller Ross**

**Principal Investigator**

**Date: August 25, 2004**

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• Was instrumental in obtaining the right for women to work at night with the passage of the new Labour Law (June 2003), by filing a court challenge, in December 2001, to a discriminatory law banning night work by women;	
• Completed three Clinic/LAWA-Ghana proposed bills and supporting memoranda (hereafter “legislation projects”) concerning increasing women’s representation in Constitutional traditional governance; ending internal trafficking in girls and young women for domestic work; and providing more effective protection against domestic violence (January - May 2003);	
• As part of the legislation projects, in March 2003 jointly conducted with the Clinic three human rights fact-finding missions on the same topics;	
• Completed two public education sessions on Domestic Violence: one in the Ga District on August 5, 2003 and one in the Dangbe West District on September 16, 2003 – funded by the Anonymous Donor;	
• Hosted four Clinic summer interns who performed legal work and helped plan and conduct projects, including:	
∴ drafting a proposed bill, talking points, and report on sexual harassment in the workplace (building on Clinic work under a prior USAID grant);	
∴ drafting a short legislative report urging Parliament to make marital rape a crime;	
∴ conducting community outreach for the ARK Foundation’s domestic violence shelter;	
∴ editing the spring Clinic report on domestic violence and drafting educational handouts on the subject;	
∴ researching issues of HIV/AIDS and its relationship to gender violence;	
∴ coordinating and participating in two public education sessions on Domestic Violence: produced rapporteur’s report from same;	
∴ writing educational booklets on the fundamental human rights guaranteed in the 1992 Ghanaian Constitution (and raised funds for printing the booklet from the US Embassy Public Affairs Section, Accra);	
∴ drafting a memorandum, for submission to the Attorney General’s office, recommending an end to the exclusion of women from constitutional traditional government, and editing the spring report on the issue; and	

- ∴ working with other Civil Society Organizations (FIDA, Ark Foundation, Women Assistance and Business Agency (WABA) and Women’s Initiative for Self Empowerment (WISE)).
- Attended and participated in several workshops on women’s rights issues and attracting participation from both civil society and government; and
- Participated in the two-day Advancing Women’s Rights Globally Planning Conference at Georgetown University Law Center, Washington D.C. (September 27-28, 2003).

## **B. Nigeria .....3**

1. Goals: Legislation Initiatives on Domestic Violence, Equal Marital Rights for Muslim Women, Divorce for Abused Women, Marriage Age of 18, and Children’s Rights; Litigation for Women Facing the “Zina” Death Penalty, Domestic Violence, and Discriminatory Inheritance Rules; Improve Women’s Access to Politics
2. Summary of Activities and Accomplishments During Reporting Period
  - Won a precedent-setting appeal on behalf of Amina Lawal, the Muslim woman sentenced to death by stoning for the sex-discriminatory crime of “zina” (September 2003);
  - Collaborated with the Clinic on completing a Notice of Appeal and supporting brief to the national Supreme Court of Nigeria, should Ms. Lawal lose her appeal in lower courts (fall 2002);
  - In collaboration with the Clinic, completed a proposed State code of Family Law and supporting memorandum to give Muslim women more equal marriage and divorce rights (fall 2002);
  - Completed with the Clinic a report and proposed bill to allow abused women to obtain a divorce under the Matrimonial Causes Act and to raise girls’ marriage age to 18 (fall 2002);
  - Lobbied successfully for passage of the Child Rights Bill establishing a minimum age for marriage of 18 and abolishing child labor and trafficking (May 2003);
  - Conducted two public education sessions on the draft bill on violence against women in Maiduguri Borno State (December 18, 2002) and Ikwa Ibom State (October 8, 2003);
  - Continued representing a woman challenging discriminatory customary inheritance laws that prohibit her serving as executor of her husband’s estate and her daughters from inheriting from their father’s estate (May 2003);
  - Provided legal representation for women in several domestic violence cases;
  - As the Secretariat in a 50-member domestic violence coalition, participated in numerous projects and workshops on women’s rights issues that attracted participation from both civil society and government;
  - In pursuit of Islamic family law codification support, contacted government officials, professors, experts, judges and media (in the two targeted states of Sokoto and Zamfara) for their advice and support; and
  - Published a book regarding discrimination against women’s participation and lack of women’s representation in the 2003 elections in Nigeria (funded by USAID but not under this grant).

## C. Tanzania.....4

1. Goals: Legislation Initiative on Discriminatory Inheritance Laws; Litigation Concerning Inheritance, Domestic Violence, FGM, and Marital Property; Raise Awareness of Women's Rights Through the Media
2. Summary of Activities and Accomplishments During Reporting Period
  - Conducted a parliamentary roundtable on the draft equal inheritance rights bill at the Russian Cultural Centre in Dar es Salaam (January 31-February 1, 2003);
  - Conducted a public education session on equal inheritance rights for women with disabilities in the Kibaha region (February 21-22, 2003);
  - Conducted a legislative consultation on equal rights for women in marriage and inheritance laws in the Dar es Salaam region (March 4-5, 2003);
  - Conducted one combined legislative consultation/public education session on equal right for women in inheritance for religious leaders in Dar-es-Salaam (July 18-19, 2003);
  - Organized Task-Force working sessions on the proposed equal inheritance rights bill to plan how to lobby Members of Parliament and key government officials (September 24, 2003);
  - Conducted a paralegal training session to provide more effective access to justice for rural women (March 24-28, 2003);
  - Completed a shadow report to the CEDAW Committee, examining the government's failure to ensure equal rights for women as required by CEDAW (August 2003);
  - Prepared a Rejoinder to a Member State's reply, disputing the contents and arguing procedural issues in the Sophia Motto case (for marital property and fair trial rights) filed with the African Commission (October 2003);
  - Raised awareness of the legal sanctions for practicing FGM, through wide media coverage of a case brought by WLAC on behalf of three genitally mutilated girls, even though the case was later dismissed because the girls would not submit to a medical examination of their mutilations;
  - Began planning a test case on behalf of a widow denied equal inheritance rights under customary law;
  - Monitored inheritance discrimination and domestic violence cases through weekly lawyer consultative meetings and provided legal aid services for women with these problems;
  - Continued raising awareness and educating the public on women's rights through WLAC's weekly Mwangaza Radio Program; and
  - Participated in the two-day Advancing Women's Rights Globally Planning Conference at Georgetown University Law Center, Washington D.C. (September 27-28, 2003).

## D. Uganda .....6

1. Goals: Legislation Initiatives on Domestic Relations Bill ("DRB") (Polygamy, Married Men's Exemption from Sex-Based Adultery Laws, Bride-price, Marital Rape) and Sex-Based Discrimination in Employment; Strengthen Ugandan Parliament's Work on

Women's Rights; Test Case Litigation Challenging Married Men's Exemption from Divorce Act Adultery Provisions

2. Summary of Activities and Accomplishments During Reporting Period

- Initiated two legislative projects in collaboration with the Clinic to (i) prohibit sex-based discrimination in employment and (ii) provide equality in marriage for Muslim women through amendments to the DRB, including by a standard marriage contract (September 1 - October 31, 2003);
- Conducted a public education session for over 50 participants in Mubende, in Central Uganda, on the draft DRB (January 20, 2003);
- Organized a strategic litigation coalition and filed a Constitutional Court petition challenging a discriminatory divorce law allowing men, but not women, to divorce an adulterous spouse (March 7, 2003) - as follow-up to the original LAW-U/Clinic project drafting proposed litigation papers in the fall 2001 (November and December) semester;
- Held a parliamentary roundtable in support of the DRB in Kampala (July 18, 2003);
- Held three legislative consultations concerning the DRB in Kampala (September 1, 2003), Kasese (September 20, 2003) and Kapchorwa (October 7, 2003);
- Participated in several workshops covering various women's rights issues and attracting participation from both civil society and government; and
- Participated in the two-day Advancing Women's Rights Globally Planning Conference at Georgetown University Law Center, Washington D.C. (September 27-28, 2003).

**E. The Clinic.....7**

1. Goals: In Collaboration with NGOs, Complete Two On-Going Legislation Projects, One On-going Litigation Project, Three New Legislation Projects/Fact-Finding Investigations/Human Rights Reports, Start Two New Legislation Projects; Administer Grant Activities, Including the Visiting Scholar Pilot Program, a Planning Conference, the Clinic Fact-Finding Missions, the Student Internships and the Leland Initiative

2. Summary of Activities and Accomplishments During Reporting Period

- Completed three on-going projects in collaboration with Nigeria WRAPA in the fall semester 2002 (November and December) by drafting: (i) a Notice of Appeal and Supreme Court brief in the Amina Lawal case; (ii) legislative memorandum and proposed bill to provide divorce rights for abused women and establish an 18-year old marriage age; and (iii) another legislative memorandum and proposed bill to codify State Shari'a marriage and divorce laws to provide Muslim women with more equal rights in marriage and divorce law;
- Completed three combined legislation/fact-finding/human rights projects with LAWA-Ghana in the spring semester 2003: (i) drafted human rights report, legislative memorandum, and proposed amendments to legislative instruments and legislation to provide for equality of men and women in Constitutional traditional governing roles; (ii) drafted human rights report, legislative memorandum, and proposed legislative instruments on domestic violence; and (iii) drafted human rights report, legislative memorandum, a proposed criminal law amendment, and regulations for the Labour

and Children's Acts to protect domestic workers from trafficking, servitude and domestic and sexual abuse;

- Initiated with LAW-U two new legislative projects to be completed in the fall semester 2003, by starting drafts of: (i) a memorandum and proposed Employment Bill 2004 to prohibit sex discrimination and sexual harassment and to provide effective remedies; and (ii) a legislative memorandum on the DRB, to provide more equal marriage and divorce rights for Muslim women;
- For the projects with LAWA-Ghana, planned and conducted spring-break fact-finding investigations;
- Administered the summer internship program and supervised four interns;
- Obtained approval for reallocating and reprogramming grant funds in order to hire a full-time grants administrator, hold a Planning Conference in September 2003, complete the Leland Initiative, provide administrative help for the 2004 fact-finding mission, and give additional attorney funds to the NGOs;
- Began implementation of the Leland Initiative;
- Recruited, hired, and trained a grants administrator/senior legal researcher analyst;
- Continued to provide legal and administrative guidance to the partner NGOs;
- Administered system for quarterly reports, time sheets, and invoices;
- Planned and hosted the two-day Advancing Women's Rights Globally Planning Conference at Georgetown University Law Center, Washington D.C. (September 27-28, 2003);
- As a result of the September 2003 Planning Conference, drafted new contracts, budgets and work plans for year three of the GULC/USAID grant; and
- Drafted new contracts for the second year of the Anonymous Donor grant (\$20,000 per country) and administered these funds in the same way as under the USAID grant.

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**C. Tanzania.....32**

Country Objectives: More Effective Civil Society and Government; Stronger Democratic Institutions; Rule of Law; Human Rights; Maternal Health; Decrease HIV Transmission; Create Employment and Generate Economic Growth; Key Intermediate Results That Civil Society Organizations Effectively Present Women’s Rights Issues to Government – And (Specifically for this Project) Send Copies of Quarterly Reports to Mission; Seek Mission Advice on New Opportunities, Directions, and Possible Future Mission Financial Support

**D. Uganda .....32**

Country Objectives: Expand Civic Pluralism; Increased Use of Constitutional Checks and Balances; Maternal Health (Increase Service Utilization; Change Behaviors); Increased Percentage of Children Receive Quality Basic Education; Increase Rural Household Income – And (Specifically for this Project) Enhance Both Civil Society’s and Parliament’s Understanding of Women’s Human Rights and also Their Capacity to Influence National Policy and Budget Policies in Coordination with Uganda; Create New Clinical Education Component for Makerere University

## INTRODUCTION

### **First, Second, Third and Fourth Quarterly Reports to USAID November 1, 2002 – October 31, 2003**

This is the consolidated first, second, third and fourth quarterly report (November 1, 2002 – October 31, 2003) for “Advancing Women’s Rights Globally”. It covers the second year of the three-year grant period. The report discusses the activities of the Georgetown University Law Center’s (“GULC”) International Women’s Human Rights Clinic (hereafter, “the Clinic”) and its four partners: LAWA-Ghana, Nigeria WRAPA, Tanzania WLAC, and LAW-Uganda (hereafter, “Law-U”)<sup>1</sup> under Grant Agreement #GEW-G-00-02-00001-00. Under this grant, the partners work on various projects to advance women’s rights through legislation, litigation, strengthening civil society, and public education. For the background of this work, see the First and Second Quarterly Report.<sup>2</sup>

This report also includes work performed under a related grant from an Anonymous Donor, which was designed to complement the USAID grant goals as set forth in the USAID grant proposal. Because the activities under both grants support the objectives of the USAID grant, they will both be reported on herein. Headings throughout the report specifically denote which donor paid for which event, e.g., **USAID-Funded Work**, or **Anonymous Donor-Funded Work**.

Both donors’ grants contain funds for attorneys’ time. The Principal Investigator requires that all NGO partners submit detailed time sheets from each attorney for whose time payment is sought, allocated to a specific donor. This report describes attorney time reflected in those time sheets, whether spent on litigation, research, work with Clinic faculty and staff, participation in broad civil society coalitions or conferences, or in holding the specific USAID/Anonymous Donor-funded legislative consultations, public education sessions, and parliamentary roundtables.

In many cases, other donors also fund similar work by the same NGO. This report, though, reflects only the events funded by, or attorney work described in the time sheets relating to, the USAID or Anonymous Donor grants, unless otherwise noted.

All of the project work is consistent with USAID’s SSO3 objectives, which will be discussed separately below in Parts II through V. In addition, Part VI discusses the Clinic’s work to advance women’s human rights, administer the program and start the Leland Initiative. Part VII discusses how the work supports USAID’s regional and country mission objectives.

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<sup>1</sup> The acronyms stand for: Leadership and Advocacy for Women in Africa – Ghana (“LAWA-Ghana”); Women’s Rights and Protection Alternative (“WRAPA”) in Nigeria; Women’s Legal Aid Centre (“WLAC”) in Tanzania; and Law and Advocacy for Women – Uganda (“LAW-U”).

<sup>2</sup> First and Second Quarterly Report (November 1, 2001 through April 30, 2002), dated August 20, 2002, pages 8-9.

## **I. Second-Year Goals for Each NGO, the Clinic and Summary of Accomplishments**

### **A. Ghana**

#### **1. Goals: Legislation Initiatives on Domestic Violence, Women in Constitutional Traditional Governance, Internal Trafficking, and Enabling Women to Work at Night**

LAWA-Ghana continued to further its work on domestic violence legislation and legislation providing for the equal distribution of marital property at divorce. To advance its work in these areas, LAWA-Ghana agreed to do the following:

##### **a. USAID - Funded Work**

- Conduct two legislative consultations with other NGOs;
- Conduct one parliamentary roundtable;
- Conduct two public education sessions; and
- Host four summer interns from the Clinic.

##### **b. Anonymous Donor – Funded Work**

- Conduct three public education sessions on Domestic Violence.

#### **2. Summary of Activities and Accomplishments During Reporting Period**

LAWA-Ghana's accomplishments are summarized in bullet form for the reader's convenience. Detailed explanations of each are provided in the sections of the report covering Ghana. This format will be used for each NGO. In sum, LAWA-Ghana did the following:

- Was instrumental in obtaining the right for women to work at night with the passage of the new Labour Law (June 2003), by filing a court challenge, in December 2001, to a discriminatory law banning night work by women;
- Completed three Clinic/LAWA-Ghana proposed bills and supporting memoranda (hereafter "legislation projects") concerning increasing women's representation in Constitutional traditional governance; ending internal trafficking in girls and young women for domestic work; and providing more effective protection against domestic violence (January - May 2003);
- As part of the legislation projects, in March 2003 jointly conducted with the Clinic three human rights fact-finding missions on the same topics;
- Completed two public education sessions on Domestic Violence: one in the Ga District on August 5, 2003 and one in the Dangbe West District on September 16, 2003 – funded by the Anonymous Donor;
- Hosted four Clinic summer interns who performed legal work and helped plan and conduct projects, including:
  - ∴ drafting a proposed bill, talking points, and report on sexual harassment in the workplace (building on Clinic work under a prior USAID grant);
  - ∴ drafting a short legislative report urging Parliament to make marital rape a crime;

- ∴ conducting community outreach for the ARK Foundation's domestic violence shelter;
- ∴ editing the spring Clinic report on domestic violence and drafting educational handouts on the subject;
- ∴ researching issues of HIV/AIDS and its relationship to gender violence;
- ∴ coordinating and participating in two public education sessions on Domestic Violence: produced rapporteur's report from same;
- ∴ writing educational booklets on the fundamental human rights guaranteed in the 1992 Ghanaian Constitution (and raised funds for printing the booklet from the US Embassy Public Affairs Section, Accra);
- ∴ drafting a memorandum, for submission to the Attorney General's office, recommending an end to the exclusion of women from constitutional traditional government, and editing the spring report on the issue ; and
- ∴ working with other Civil Society Organizations (FIDA, Ark Foundation, Women Assistance and Business Agency (WABA) and Women's Initiative for Self Empowerment (WISE)).
- Attended and participated in several workshops on women's rights issues and attracting participation from both civil society and government; and
- Participated in the two-day Advancing Women's Rights Globally Planning Conference at Georgetown University Law Center, Washington D.C. (September 27-28, 2003).

## **B. Nigeria**

1. **Goals: Legislation Initiatives on Domestic Violence, Equal Marital Rights for Muslim Women, Divorce for Abused Women, Marriage Age of 18, and Children's Rights; Litigation for Women Facing the "Zina" Death Penalty, Domestic Violence, and Discriminatory Inheritance Rules; Improve Women's Access to Politics**

Nigeria WRAPA educated the public and built support for draft legislation on violence against women. In pursuing its goals, WRAPA agreed to do the following:

### **a. USAID - Funded Work**

- Conduct four public education sessions;
- Conduct one parliamentary round table;
- Conduct one legislative consultation;
- Pursue litigation that will set strong precedents for women's human rights;
- Initiate public dialogue and discourse on the codification of certain Islamic family laws; and
- Achieve passage of a national bill on violence against women.

### **b. Anonymous Donor – Funded Work**

- Conduct three parliamentary round tables; and
- Conduct three legislative consultations.

## **2. Summary of Activities and Accomplishments During Reporting Period**

Nigeria WRAPA engaged in the following this reporting period:

- **Won a precedent-setting appeal on behalf of Amina Lawal, the Muslim woman sentenced to death by stoning for the sex-discriminatory crime of “zina” (September 2003);**
- **Collaborated with the Clinic on completing a Notice of Appeal and supporting brief to the national Supreme Court of Nigeria, should Ms. Lawal lose her appeal in lower courts (fall 2002);**
- **In collaboration with the Clinic, completed a proposed State code of Family Law and supporting memorandum to give Muslim women more equal marriage and divorce rights (fall 2002);**
- **Completed with the Clinic a report and proposed bill to allow abused women to obtain a divorce under the Matrimonial Causes Act and to raise girls’ marriage age to 18 (fall 2002);**
- **Lobbied successfully for passage of the Child Rights Bill establishing a minimum age for marriage of 18 and abolishing child labor and trafficking (May 2003);**
- **Conducted two public education sessions on the draft bill on violence against women in Maiduguri Borno State (December 18, 2002) and Ikwa Ibom State (October 8, 2003);**
- **Continued representing a woman challenging discriminatory customary inheritance laws that prohibit her serving as executor of her husband’s estate and her daughters from inheriting from their father’s estate (May 2003);**
- **Provided legal representation for women in several domestic violence cases;**
- **As the Secretariat in a 50-member domestic violence coalition, participated in numerous projects and workshops on women’s rights issues that attracted participation from both civil society and government;**
- **In pursuit of Islamic family law codification support, contacted government officials, professors, experts, judges and media (in the two targeted states of Sokoto and Zamfara) for their advice and support; and**
- **Published a book regarding discrimination against women’s participation and lack of women’s representation in the 2003 elections in Nigeria (funded by USAID but not under this grant).**

### **C. Tanzania**

- 1. Goals: Legislation Initiative on Discriminatory Inheritance Laws; Litigation Concerning Inheritance, Domestic Violence, FGM, and Marital Property; Raise Awareness of Women’s Rights Through the Media**

In addition to its work on domestic violence and discriminatory inheritance laws with the Clinic, Tanzania WLAC agreed to conduct the following activities to further its goals:

#### **a. USAID - Funded Work**

- **Conduct two public education sessions;**

- Conduct two legislative consultations;
- Conduct a parliamentary roundtable; and
- Pursue test-case litigation that will promote women's human rights.

**b. Anonymous Donor – Funded Work**

- Conduct two workshops, including one for the media.

**2. Summary of Activities and Accomplishments During Reporting Period**

Tanzania WLAC engaged in the following this reporting period:

- **Conducted a parliamentary roundtable on the draft equal inheritance rights bill at the Russian Cultural Centre in Dar es Salaam (January 31-February 1, 2003);**
- **Conducted a public education session on equal inheritance rights for women with disabilities in the Kibaha region (February 21-22, 2003);**
- **Conducted a legislative consultation on equal rights for women in marriage and inheritance laws in the Dar es Salaam region (March 4-5, 2003);**
- **Conducted one combined legislative consultation/public education session on equal right for women in inheritance for religious leaders in Dar-es-Salaam (July 18-19, 2003);**
- **Organized Task-Force working sessions on the proposed equal inheritance rights bill to plan how to lobby Members of Parliament and key government officials (September 24, 2003);**
- **Conducted a paralegal training session to provide more effective access to justice for rural women (March 24-28, 2003);**
- **Completed a shadow report to the CEDAW Committee, examining the government's failure to ensure equal rights for women as required by CEDAW (August 2003);**
- **Prepared a Rejoinder to a Member State's reply, disputing the contents and arguing procedural issues in the Sophia Motto case (for marital property and fair trial rights) filed with the African Commission (October 2003);**
- **Raised awareness of the legal sanctions for practicing FGM, through wide media coverage of a case brought by WLAC on behalf of three genitally mutilated girls, even though the case was later dismissed because the girls would not submit to a medical examination of their mutilations;**
- **Began planning a test case on behalf of a widow denied equal inheritance rights under customary law;**
- **Monitored inheritance discrimination and domestic violence cases through weekly lawyer consultative meetings and provided legal aid services for women with these problems;**
- **Continued raising awareness and educating the public on women's rights through WLAC's weekly Mwangaza Radio Program; and**
- **Participated in the two-day Advancing Women's Rights Globally Planning Conference at Georgetown University Law Center, Washington D.C. (September 27-28, 2003).**

## **D. Uganda**

### **1. Goals: Legislation Initiatives on Domestic Relations Bill (“DRB”) (Polygamy, Married Men’s Exemption from Sex-Based Adultery Laws, Bride-price, Marital Rape) and Sex-Based Discrimination in Employment; Strengthen Ugandan Parliament’s Work on Women’s Rights; Test Case Litigation Challenging Married Men’s Exemption from Divorce Act Adultery Provisions**

LAW-U focused on advancing its proposed amendments to the government’s draft Domestic Relations Bill (a project began in collaboration with the Clinic). LAW-U worked to modify the government bill in order to prohibit future polygamous marriages, married men’s exemption from sex-based adultery laws, bride-price, marital rape and female genital mutilation. In order to advocate the proposed amendments, LAW-U agreed to pursue the following activities:

#### **a. USAID - Funded Work**

- Conduct one legislative consultation;
- Conduct three public education sessions;
- Litigate one test case (holdover from Year 1); and
- Collaborate with other NGOs working to advance women’s rights.

#### **b. Anonymous Donor – Funded Work**

- Conduct test case litigation; and
- Conduct two parliamentary round tables.

### **2. Summary of Activities and Accomplishments During Reporting Period**

LAW-U engaged in the following activities this reporting period:

- **Initiated two legislative projects in collaboration with the Clinic to (i) prohibit sex-based discrimination in employment and (ii) provide equality in marriage for Muslim women through amendments to the DRB, including by a standard marriage contract (September 1 - October 31, 2003);**
- **Conducted a public education session for over 50 participants in Mubende, in Central Uganda, on the draft DRB (January 20, 2003);**
- **Organized a strategic litigation coalition and filed a Constitutional Court petition challenging a discriminatory divorce law allowing men, but not women, to divorce an adulterous spouse (March 7, 2003) - as follow-up to the original LAW-U/Clinic project drafting proposed litigation papers in the fall 2001 (November and December) semester;**
- **Held a parliamentary roundtable in support of the DRB in Kampala (July 18, 2003);**
- **Held three legislative consultations concerning the DRB in Kampala (September 1, 2003), Kasese (September 20, 2003) and Kapchorwa (October 7, 2003);**

- Participated in several workshops covering various women's rights issues and attracting participation from both civil society and government; and
- Participated in the two-day Advancing Women's Rights Globally Planning Conference at Georgetown University Law Center, Washington D.C. (September 27-28, 2003).

#### **E. The Clinic**

- 1. Goals: In Collaboration with NGOs, Complete Two On-Going Legislation Projects, One On-going Litigation Project, Three New Legislation Projects/Fact-Finding Investigations/Human Rights Reports, Start Two New Legislation Projects; Administer Grant Activities, Including the Visiting Scholar Pilot Program, a Planning Conference, the Clinic Fact-Finding Missions, the Student Internships and the Leland Initiative**

Under the GULC USAID grant, the Clinic is responsible for planning and administering several different programs. Therefore, the second-year grant goals included the following:

- Finish two new Nigerian legislation projects and one litigation project (fall semester 2002);
- Complete three new Ghanaian legislation projects and human rights reports (spring semester 2003);
- Start two new Ugandan legislation projects (fall semester 2003);
- Edit the Tanzania human rights reports (from spring 2002) to make them useful for lobbying and advocacy purposes;
- Support the Visiting Scholar's research and writing and administer payments to her under the grant (completed by January 2003);
- Administer contracts with each NGO;
- Administer a program for each NGO to submit quarterly reports, time sheets for legal personnel, and invoices for reimbursement of expenses from Georgetown;
- Administer the spring fact-finding mission;
- Administer the summer internship program; and
- Arrange for purchase of computers and access to high-speed broadband Internet so that all partners may have videoconferencing and Internet research access.

- 2. Summary of Activities and Accomplishments During Reporting Period**

The Clinic engaged in the following activities this period:

- **Completed three on-going projects in collaboration with Nigeria WRAPA in the fall semester 2002 (November and December) by drafting: (i) a Notice of Appeal and Supreme Court brief in the Amina Lawal case; (ii) legislative memorandum and proposed bill to provide divorce rights for abused women and establish an 18-year old marriage age; and (iii) another legislative memorandum and proposed bill to codify State Shari'a marriage and divorce laws to provide Muslim women with more equal rights in marriage and divorce law;**



- Completed three combined legislation/fact-finding/human rights projects with LAWA-Ghana in the spring semester 2003: (i) drafted human rights report, legislative memorandum, and proposed amendments to legislative instruments and legislation to provide for equality of men and women in Constitutional traditional governing roles; (ii) drafted human rights report, legislative memorandum, and proposed legislative instruments on domestic violence; and (iii) drafted human rights report, legislative memorandum, a proposed criminal law amendment, and regulations for the Labour and Children's Acts to protect domestic workers from trafficking, servitude and domestic and sexual abuse;
- Initiated with LAW-U two new legislative projects to be completed in the fall semester 2003, by starting drafts of: (i) a memorandum and proposed Employment Bill 2004 to prohibit sex discrimination and sexual harassment and to provide effective remedies; and (ii) a legislative memorandum on the DRB, to provide more equal marriage and divorce rights for Muslim women;
- For the projects with LAWA-Ghana, planned and conducted spring-break fact-finding investigations ;
- Administered the summer internship program and supervised four interns;
- Obtained approval for reallocating and reprogramming grant funds in order to hire a full-time grants administrator, hold a Planning Conference in September 2003, complete the Leland Initiative, provide administrative help for the 2004 fact-finding mission, and give additional attorney funds to the NGOs;
- Began implementation of the Leland Initiative;
- Recruited, hired, and trained a grants administrator/senior legal researcher analyst;
- Continued to provide legal and administrative guidance to the partner NGOs;
- Administered system for quarterly reports, time sheets, and invoices;
- Planned and hosted the two-day Advancing Women's Rights Globally Planning Conference at Georgetown University Law Center, Washington D.C. (September 27-28, 2003);
- As a result of the September 2003 Planning Conference, drafted new contracts, budgets and work plans for year three of the GULC/USAID grant; and
- Drafted new contracts for the second year of the Anonymous Donor grant (\$20,000 per country) and administered these funds in the same way as under the USAID grant.

## **II. Supporting Improved Legislation that Protects and Advances Women's Rights**

### **A. Domestic Violence**

#### **1. Ghana's Work on Domestic Violence Legislation**

##### **a. USAID - Funded Work**

During the spring 2003 semester, LAWA-Ghana and the Clinic successfully completed a domestic violence project. It included a one-week (March 7-15, 2003) fact-finding mission on domestic violence problems and the inadequacy of governmental responses to domestic violence.

The students drafted a human rights report and proposed legislative instruments to insure effective implementation of the pending Domestic Violence Bill (based on a prior USAID grant Clinic/LAWA-Ghana project). The proposed instruments included Mediation Screening Rules and Police Procedures for Domestic Violence. The report documented the extent of domestic violence in Ghana, based on the fact-finding interviews. It also demonstrated how international, comparative and national human rights law requires Ghana to enact the Domestic Violence Bill and the proposed legislative instruments.

On July 16, 2003, a Clinic intern, in collaboration with LAWA-Ghana, completed a draft memo urging Parliament to repeal Article 42(g) of the Criminal Code, the 'Marital Rape Exception'. Building on a prior Clinic/LAWA-Ghana project, the memo called on Members of Parliament to criminalize marital rape by officially repealing Article 42(g) of the Criminal Code, 1960 (Act 29) (the "Criminal Code") and the corresponding Article 100.<sup>3</sup> Ending domestic violence requires accepting that consent to marriage is not the equivalent of consent to sex. Similarly, forcing a woman to have sex against her will is assault. The memo argued that marital rape is a form of domestic violence and therefore should be prohibited under the same criminal sanctions as domestic violence.

#### **b. Anonymous Donor – Funded Work**

LAWA-Ghana held two public education sessions on the Domestic Violence Bill in the Amasaman and Dodowa districts, on August 5, 2003 and September 16, 2003, respectively. During these sessions members of NGOs, government officials, local leaders and medical personnel were informed about the specifics of the domestic violence legislation, and the reasons for the bill. Programs at the district level help to encourage people at the grass roots level to work with NGOs in the local region to lobby for passage of the Domestic Violence Bill and reduce domestic violence. They also help to raise awareness and educate the public about issues related to domestic violence.

### **2. Nigeria's Work on Domestic Violence Legislation**

#### **a. USAID - Funded Work**

WRAPA continued its active participation as the secretariat partner in the Legislative Advocacy Coalition on Violence Against Women ("LACVAW"). This coalition of 50 NGOs made progress toward passage of a proposed bill designed to prohibit and prevent all forms of violence against women. Although WRAPA expected the bill to be published in the government gazette and read on the floor of the National Assembly in the fall of 2002, the presidential elections delayed this process. As a result of the 2002 elections, the bill also suffered the loss of its sponsor, the Hon. Florence Aya, as she was not re-elected. LACVAW continued its search for a new sponsor.

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<sup>3</sup> Article 42(g) states that use of force by a defendant is justified, if consented to, and that consent given at marriage can not be revoked except by divorce. This has been construed to mean that a woman impliedly "consents" to sexual acts of force upon marriage. Article 100 states that if a woman is compelled to marry under duress, consents given at marriage are void. This article underscores that she is understood to consent to all sexual activity with her husband upon marriage.

On December 18, 2002, WRAPA held a public education session in Maiduguri Borno State to generate public awareness of the Draft Bill on Violence Against Women. As a result of WRAPA's preparation and efforts, the public education session was attended by seventy (70) people, including several important community leaders such as the legal advisor to the State Governor, the Permanent Secretary of the State Scholarship Board, and the Head of the Department of Arabic and Islamic Studies at the University of Maiduguri.

On October 8, 2003 WRAPA conducted a Public Education Session for over eighty (80) participants on the Draft Bill on Violence Against Women in Akwa Ibom State in the South Zone at the Family Support Program (FSP) Hall in Uyo. WRAPA affiliate, Barrister Ibrahim (a pro-bono lawyer to WRAPA in Akwa Ibom), presented at the session. Two university professors also presented: Professor Grace Umoren of the University of Calabar in Cross River State, and Dr. Imoh Abong Emenyi of the University of Uyo, Akwa Ibom State.

### **b. Anonymous Donor – Funded Work**

WRAPA used money from the Anonymous Donor to further their work with LACVAW. This included attorney time to plan a meeting on Shari'a Penal and Family Law. In addition, WRAPA undertook a baseline survey of students in June 2003, on the bodily integrity of women and girls in secondary schools and universities. The student questionnaire measures the incidence of domestic violence among students and will help shape advocacy on the domestic violence legislation.

## **B. Employment Discrimination**

### **1. Ghana: The New Labour Act Removes Prohibition on Women's Night Work; Bans Sexual Harassment**

#### **USAID - Funded Work**

In a victory for LAWA-Ghana, the government ended its ban on women's night work when Parliament enacted a new Labour Act on July 25, 2003, and the President assented on October 8, 2003. Section 177(1) of Labour Act, 2003 (Act 651) permits employed women to work at night by repealing the ban on women's night work in section 41 of the Labour Decree, 1967 (NLCD 212). The new Act also gives pregnant women workers the right to accept or decline night work (Section 55). LAWA-Ghana contributed to this victory through its litigation and negotiations concerning the night-work issue. See Part III.B.

The Act gives workers a very limited protection from termination based on sexual harassment. Specifically, it allows workers to terminate their contracts on the grounds of sexual harassment (Section 15(b)) and to receive full pay for work up to the termination date (Section 18(1)(a)-(b)). If such workers have repeatedly complained of sexual harassment to their employer and the employer fails to take action, thereby forcing the workers to terminate their employment contracts, the workers can also present complaints to the Labour Commission for unfair termination and seek reinstatement, reemployment, and compensation (Sections 63(3)(b),

64, 175). LAWA-Ghana members contributed to the advocacy on sexual harassment, working from a Clinic/LAWA-Ghana project under a prior USAID grant.

## **2. Uganda's Work on Employment Discrimination Legislation**

### **USAID - Funded Work**

During the 2003 fall semester, the Clinic and Law-U began a legislative project designed to prohibit sex discrimination and sexual harassment in employment, provide for maternity and family leave, and ensure effective governmental remedies for violations. Clinic students worked with LAW-U and an attorney at the Uganda Law Reform Commission, and decided to build on the dormant Employment Bill of 2001 drafted by the Ugandan Law Reform Commission.

## **C. Trafficking**

### **1. Ghana: Female Domestic Household Work – Domestic Servitude and Trafficking**

#### **a. USAID - Funded Work**

During the spring 2003 semester, LAWA-Ghana and the Clinic completed a project concerning domestic household workers ("house-helps"), a predominantly female workforce of girls and young women. They are often trafficked from Ghana's north to the south, subjected to virtual servitude, and badly mistreated. The one-week fact-finding mission documented some of the worst abuses. Many employers force young girls to work from dawn to dusk without pay or rest, deprive them of their right to an education, and subject them to sexual and physical abuse.

The project included a human rights report and legislative memorandum recommending proposed legal reforms to protect girls and women from trafficking, servitude, and other forms of abuse. The proposed legislative amendments and regulations would ensure effective protection for domestic workers. They include:

- Criminal Code (Domestic Workers) Amendments to end employers' physical abuse of child domestic workers and child labor trafficking;
- Labor (Domestic Workers) Regulations to ensure that domestic workers receive wages, maximum hours limits, rest periods, annual and holiday leave, benefits such as paid maternity and sick leave and medical care, and effective enforcement of the regulations; and
- Children's Act (Domestic Workers) Regulations to ensure the same protections for child domestic workers as for adult workers, and in addition, to require that employers hire only children aged 15 and above, provide for their education, and end sexual harassment and violence in their workplaces.

## **b. Anonymous Donor – Funded Work**

LAWA-Ghana attorney's prepared for the fact finding missions, including the one on Domestic Assistants/Trafficking, and reviewed draft Clinic reports. The Anonymous Donor grant funded their time on this work.

## **2. Nigeria's Work on Trafficking Legislation**

### **USAID - Funded Work**

In a significant victory, WRAPA and other civil society organizations won passage of the Child Rights Bill. This legislation establishes eighteen as the minimum age for marriage and abolishes child labor and trafficking. The National Assembly at first rejected the Child Rights Bill for its supposed conflict with cultural and religious tenets. After intense lobbying by the broad human rights coalition, the National Assembly finally passed the bill in May 2003. WRAPA personnel funded by the USAID attorney fees monies contributed to this lobbying effort.

## **D. Equal Rights in Inheritance Legislation: Tanzania**

### **a. USAID - Funded Work**

In January 2003, WLAC held a two-day parliamentary roundtable on the proposed inheritance bill drafted in collaboration with the Clinic in the spring 2002 semester. During the two-day event, WLAC staff educated the parliamentarians on discriminatory inheritance laws and explained the need for reform. At the close of the roundtable, participants agreed that the law should be changed to ensure equal inheritance rights. Members of Parliament commended WLAC and the other NGOs for their efforts in drafting a proposed bill, acknowledging that Parliament should have drafted the legislation rather than leaving the task to civil society groups.

In response to a request by the Association for Women with Disabilities in the Kibaha region, WLAC organized a public education session, February 21-22, 2003, on inheritance rights under the current law and the draft bill. In addition to agreeing that the customary inheritance laws should be replaced, participants from various wards (i.e., local districts within the region) raised several issues of particular importance to disabled people.

A legislative consultation was conducted for twenty ward executive officers in Dar es Salaam on March 4-5, 2003, primarily on inheritance and marriage laws. Participants were selected from various wards in Sinza, Tabata, Ukonga, Kimara, Buza and Ilala. Participants raised issues concerning: how the laws can address issues of HIV/AIDS and marriage; awareness of legal rights in marriage; reduction in marriage certificate fees; conforming marrying age to other laws; and legal issues related to children.

WLAC also conducted a legislative consultation on the draft inheritance bill for Church and Christian ministry leaders in Dar-es-Salaam, July 18-19, 2003. The workshop took place at the Tanzania Episcopal Centre and had more than 25 attendees including bishops, pastors,

Christian ministry leaders, and women church group leaders. The Bishop Pastor Mokiwa of the Anglican Church in Tanzania officiated at the event. The workshop received wide media coverage, with more than twenty journalists attending the event.

**b. Other Donor (Inheritance Task Force) – Funded Work**

WLAC staff also attended a meeting in January 2003 with the Minister of Community Development, Gender, and Children’s Affairs. WLAC staff and other NGO representatives used this meeting to educate and inform the minister about local NGO advocacy for equal inheritance rights in Tanzania.

**E. Uganda’s Domestic Relations Bill (“DRB”): Legislation to Ban Polygamy, Married Men’s Exemption from Sex-Based Adultery Laws, Brideprice and Marital Rape**

**a. USAID - Funded Work**

LAW-U continued its work in support of the draft Domestic Relations Bill (DRB) described in the First and Second Quarterly Report.<sup>4</sup> In the fall 2003 semester, the Clinic and LAW-U began work on a proposed amendment to the DRB to give Muslim women more equal marriage and divorce rights through a standard Muslim marriage contract and recommended incorporating it into the DRB.

LAW-U held a parliamentary roundtable discussion in Kampala, on July 18, 2003, to educate some Members of Parliament (“MP”) about the DRB. The session concluded with plans to:

- sensitize other MPs to the need for the DRB;
- use electronic mail to disseminate such information;
- discuss the DRB’s provisions with traditional and religious leaders (especially within the Muslim community); and
- hold a closed session with female cabinet members.

On September 1, 2003, LAW-U held a legislative consultation in Kampala focused on the DRB’s impact on Muslims. Participants recommended workshops with several other Muslim groups in order to harmonize Shari’a with the DRB. They also urged a campaign to raise awareness of women’s rights, especially among leaders in the Muslim community, and inform everyone that the national Constitution is supreme to all other laws, *including* religious laws.

LAW-Uganda conducted another legislative consultation on the DRB in Kasere on September 20, 2003. Local leaders attended the consultation. The focus of the consultation was the bill’s effect on local cultural practices. Sensitizing clan and local leaders to the situation of widows was seen as crucial to the DRB’s success. These leaders must help ban cultural practices

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<sup>4</sup> First and Second Quarterly Report (November 1, 2001 through April 30, 2002), dated August 20, 2002, page 26.

such as “blessing” and “cleansing”<sup>5</sup> which infringe on the rights of widowed women and rob them of their health and dignity.

A third DRB legislative consultation took place in Kapchorwa, on October 7, 2003. It emphasized article 33(6) of the Constitution: “Laws, cultures, customs or traditions which are against the dignity, welfare or interest of women or which undermine their status are prohibited by this Constitution.” Participants recommended that the DRB:

- ban female genital mutilation for children under eighteen;
- provide for women’s property ownership to prevent the destitution of widowed and divorced women; and
- codify uniform customary laws and review them every five years.

They also called for educating local communities about the documented relationship between such practices as widow cleansing, FGM, and the spread of HIV/AIDS.

In January 2003, LAW-U held a public education session for over 50 participants in Mubende, central Uganda, on the draft Domestic Relations Bill. Participants highlighted harmful practices such as bride-price, wife inheritance, and allowing girls below the age of eighteen year to marry. LAW-U Members called for better enforcement of existing laws. In addition, LAW-U pressed for property protections for co-habiting women and implementation of a family court system. Healthcare issues were also discussed, including maternal health and the HIV/AIDS pandemic. In particular, participants discussed ways to combat the spread of HIV/AIDS in marriage.

### **b. Anonymous Donor – Funded Work**

LAW-U lawyers used Anonymous Donor attorney funds to prepare for the Legislative Consultations in Kampala in September 2003 and Kapchorwa in October 2003. The lawyers also worked with Clinic students and faculty on the DRB project to give Muslim women more equal rights in marriage and at divorce.

## **F. Equal Marital Rights**

### **1. Nigeria’s Work on Marital Rights Legislation**

#### **(a) Codification of Islamic Family Law to Provide More Equal Marriage Rights**

##### **i. USAID - Funded Work**

In November and December 2002, WRAPA and the Clinic continued collaborating on a proposed codification of Islamic family law to give Muslim women more equal rights in marriage and divorce, in conformity with national and international human rights law. At the end of December 2002, Clinic students submitted the final draft of their proposed model code for

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<sup>5</sup> “Blessing” requires a third party’s approval for a marriage to be valid. Typically this is the bride’s father or other male family members. “Cleansing” requires the widow have sexual intercourse with one of her in-laws.

adoption by Northern State legislatures. They also submitted a legislative memorandum with supporting arguments drawn from international, constitutional, and comparative law, including progressive Islamic law.

WRAPA has put the WRAPA/Clinic codification of Islamic marriage and divorce law project to good use. WRAPA created a “codification team” to move the project forward. On August 22, 2003, the codification team met with key officers at WRAPA headquarters to finalize the work plan for the codification of the Islamic Personal Law Project. WRAPA would have done this sooner, but key actors were occupied with the political elections for most of 2003. The work plan includes a baseline study, which WRAPA considers an important component in determining the level of public acceptance of the provisions of Islamic personal law.

Initial advocacy work began in October 2003. A. M. Yawuri, with whom the Clinic had worked on this project, briefed officials including the Attorney General of Sokoto State, Alhaji Aliyu Sanyinna, at the State Ministry of Justice. He suggested consulting experts and materials, especially in Maliki Jurisprudence. He assured WRAPA that the state government would support and give all necessary cooperation to the project, which he saw as a means of reducing the burden placed on judges in adjudication. The Attorney General has also agreed to facilitate a meeting with the Executive Governor to enable the codification team to introduce the subject and also to solicit support. Mr. Yawuri and WRAPA also consulted with Professor Tafaru Makau Kaura (the Deputy Vice Chancellor for Administration at Usman Danfodio University), with Dr. Y. Y. Ibrahim (the Dean, Faculty of Islamic Studies, Usman Danfodio University), Honorable Bawa Mulami (Judge, Upper Shari’a Court II, Sokoto), and officials from Zamfara Radio and Television.

## **ii. Anonymous Donor – Funded Work**

WRAPA used money from the Anonymous Donor attorney funds to continue the Islamic marriage and divorce law project, discussed above. WRAPA lawyers reviewed and made suggestions for the Clinic’s final proposed model code for adoption by Northern State legislatures and the supporting legislative memorandum.

### **(b) The Matrimonial Causes Act (Divorce for Abused Wives) and Marriage Act (18 to Marry)**

## **USAID - Funded Work**

In the fall 2002 semester (November and December) the Clinic, in collaboration with WRAPA lawyers, Mariam Imhanobe and Hauwa Inuwa completed a comprehensive bill and supporting memorandum to address shortfalls in the Matrimonial Causes Act (“MCA”) and the Marriage Act. The report discussed the problem of child marriage and the inadequacy of the MCA as it stands today. The current law has strict, limited provisions for divorce which, in effect, keep women in violent relationships and allow their husbands to abuse them with impunity whether through violence or repeated adultery. Additionally, the MCA fails to provide sufficient guidelines to assist courts in determining child custody, awarding maintenance, and distributing property upon the dissolution of the marriage. The project bill set a minimum



marriage age of eighteen, provided divorce grounds to enable abused women to divorce, and provided court remedies to ensure that divorced women have economic support for themselves and their children.

## **2. Uganda's Work on More Equal Marriage and Divorce Rights for Muslim Women**

### **a. USAID - Funded Work**

The Islamic Family Law Project was one of two legislation projects the Clinic conducted with LAW-U during the 2003 fall semester. Details of this project are included in Part II.E., which discusses the DRB.

### **b. Anonymous Donor – Funded Work**

Funds for lawyer time were used to allow LAW-U members to work with Clinic students on the fall 2003 DRB project regarding Muslim women's rights in marriage and divorce. See Part II.E.

## **G. Ghana: Integrating Women into Constitutional Traditional Government**

### **USAID - Funded Work**

During the spring 2003 semester, LAWA-Ghana and the Clinic successfully completed a project designed to integrate traditional women leaders into the National and Regional Houses of Chiefs established by the Constitution. The Constitution requires these bodies to serve important legislative, judicial, economic, and political functions. They must eliminate harmful customary practices, codify customary law, and issue decisions granting chieftaincies where two people vie to become chief of a particular geographic area. Traditional women leaders ("Queen-Mothers") have been excluded from participation in these bodies. If admitted, they could help insure the elimination of customary practices and laws that subordinate women in the family by leaving daughters and wives without economic or personal power. The all-male Chiefs have taken no action on these issues. Queen-Mothers should also help decide the chieftaincy disputes because the persons named "chiefs" control land and receive monies which they alone control; indeed, 80% of the land in Ghana is "stool land." Women leaders' participation could help insure that this land and money are also used for women's economic empowerment and beneficial community development. Finally, the government often names individual House Chiefs to other government bodies and consults them on policy matters; women's absence from the government Houses means they have no similar governmental impact.

The project human rights report and legislative memo, reflecting the one-week fact-finding interviews, documented the violations of women's human rights to non-discrimination, equal protection before the law, dignity, and equal political participation. Queen-mothers reported feeling demeaned by their exclusion and have led efforts to insure their inclusion. Opponents of their inclusion relied on insulting stereotypes about women. In their view, women are uneducated and flighty, will always defer to the chiefs anyway, and in any event should stay

behind the scenes. The team also found, however, that prominent Supreme Court Justices and Chiefs often supported women's inclusion, relying on the Constitutional and international law requiring that result. Indeed, one Supreme Court Justice and Chief had already integrated his traditional council, which is now 50% female.

The project's proposed legislative reforms included amendments to:

- the Chieftaincy Act, explicitly adding "queen-mothers" to every mention of "chiefs"; and
- the Chieftaincy (Membership of Regional Houses of Chiefs) Instrument, explicitly naming as members the queen-mother or female counterpart for every specified chief already listed, thus insuring 50% female membership in the ten Regional Houses and 50% female eligibility for election of the five members from each Regional House to the 50-member National House of Chiefs.

A Clinic summer intern subsequently worked with LAWA-Ghana to prepare a short position paper based on the report. The government is conducting a full-scale review of the 1971 Chieftaincy Act to bring it into compliance with the current government structure and Constitution, and LAWA-Ghana intends to send the report to the government.

### **III. Enhance Judicial Sector Capacity to Interpret and Enforce Legislation in a Gender-Equitable Way**

#### **A. Nigeria: Reversal of Shari'a Stoning Death Penalty for Woman Convicted of Zina; Discriminatory Inheritance Law; Domestic Violence Cases**

##### **1. Acquittal from Stoning Death Penalty Conviction under Islamic Shari'a Law for Woman Convicted of Zina**

#### **USAID - Funded Work**

In September, 2003, WRAPA lawyers won a major victory in the Amina Lawal case: her conviction and sentence were vacated; and she is now a free woman. As described in the Fourth Quarterly report,<sup>6</sup> during the 2002 fall semester the Clinic began collaborating with WRAPA in its appeal of Amina Lawal's sentence of death by stoning for her alleged commission of "zina," a capital crime under the newly adopted Shari'a (Islamic) penal code of Katsina State. The Shari'a application of "zina" in this case concerns an unmarried man and a divorced woman with an eight day old infant.

After the semester, Mr. Yawuri continued his appeal work before the Shari'a Court of Appeal for Katsina State, and argued the appeal on August 25, 2003. He won that appeal on September 25, 2003. The appellate court relied on Shari'a norms in overturning the conviction. It required the evidence of four witnesses to the intercourse to prove such a case, a mandatory 100 lashes should anyone allege "zina" and fail to prove it, and a panel of three judges. It also required permission for anyone who confessed to withdraw the confession up to the moment of

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<sup>6</sup> Fourth Quarterly Report (August 1, 2002 through October 31, 2002), dated July 15, 2003, pages 14-15.

execution, as Ms. Lawal had attempted to do as soon as she had a lawyer who could explain the legal requirements for proving zina. Finally, it ruled that a baby born to a divorced woman within five years of the divorce is presumed to be that of her former husband and that only the former husband can refute that claim. The court did not address Mr. Yawuri's sex discrimination argument developed in collaboration with the Clinic. It did, however, reject the judge's use of a Koranic oath to dismiss the case against the male defendant and stated that such oaths could be used only in cases involving married couples. Because the ruling is based on Shari'a it provides a powerful precedent for other Northern states and wins broad acceptance among Muslims.

The Clinic project was for a Supreme Court appeal should Ms. Lawal lose in the lower courts. While Ms. Lawal won her case, WRAPA expects such a case to go to the Supreme Court eventually. During November and December 2002, the Clinic and Ms. Lawal's WRAPA attorney, Mr. Yawuri, completed a Notice of Appeal and Supreme Court brief showing how the trial court had violated her human rights to: due process of law and a fair trial; freedom from imposition of ex post facto criminal laws; protection from torture; and equal protection of the law without discrimination based on sex or religion. For a complete description of the relevant facts, see the Fourth Quarterly Report.<sup>7</sup>

## **2. Discriminatory Inheritance Law: Representing Widowed Mother in a Case Challenging Women's Rights to Inherit or Serve as Executor of a Will.**

### **USAID - Funded Work**

WRAPA continued to represent Francisca Agoucha at the High Court in her case challenging the validity of a customary law that does not allow women to inherit or serve as executors. The background of this case is described in detail in the Fourth Quarterly Report.<sup>8</sup> On October 22, 2002, the High Court granted an order prohibiting all parties from using the properties in question while the suit is still pending. The court also created a committee to administer the estate pending the outcome of the case. The case has since been adjourned several times.

## **3. Domestic Violence Cases**

Using grant monies for attorneys' fees, WRAPA represented women seeking court relief for physical and psychological domestic violence by their husbands.

### **a. USAID – Funded Work**

WRAPA lawyers obtained a divorce for Fatimah Animashaun, whose husband beat her frequently, even into a coma. They also represent Fatimah Garba in her pending action for separation under Islamic law. Her husband beat, harassed, and intimidated her; he also took action that led to the loss of her job. Finally, they obtained an interim protection order for Schorlastica Nneka Onyibo, who suffered from her husband's repeated beatings and his refusal to let her see her children.

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*, at 15-16.

## **b. Anonymous Donor – Funded Work**

WRAPA lawyers helped Regina Ezumezu secure damages from her husband for acts of cruelty and threats to her life. Ngozi Chukwuma asked WRAPA for help in early April 2003, complaining of maltreatment and constant beatings which she had endured because of the children. WRAPA represented her in the divorce trial in mid-April. The court granted a divorce and ordered the husband to pay her child support. Finally, WRAPA has a pending case on behalf of Olawunmi Houndtondji, an illiterate indigent whose husband subjected her to psychological violence by kidnapping her children and taking them to another country. She asks the court for a civil protection order requiring him to bring back the children.

## **B. LAWA-Ghana's Successful Resolution of Lawsuit: The New Labour Act Removes Prohibition on Women's Night Work**

### **USAID - Funded Work**

As described in the First and Second Quarterly Report,<sup>9</sup> LAWA-Ghana, in December 2001, filed a lawsuit against the government challenging a law barring women from paid employment at night. The lawsuit was developed in an earlier Clinic/LAWA-Ghana project. After the filing of the suit, the Attorney General's office began discussions with LAWA-Ghana to settle the matter. LAWA-Ghana attorney Sheila Minkah-Premo met with the Attorney General, who agreed to address the issue by supporting legislation to end the discrimination, something the government had promised for many years but had never accomplished. LAWA-Ghana agreed not to pursue the case if its concerns were adequately addressed. When the new Labour Act was passed by Parliament on July 25, 2003 (receiving presidential assent on October 8, 2003) it removed the prohibition on night work for women. It also gave pregnant women the right to accept or decline night work. See Part II.B.1.

## **C. Tanzania: Case Submitted to African Commission; Inheritance Rights; FGM**

### **1. First Women's Rights Case Submitted to African Commission on Human and People's Rights: Rights to Marital Property and Fair Trial**

### **USAID - Funded Work**

In 2000, WLAC filed the first women's rights case with the African Commission on Human and People's Rights in the matter of Sophia Motto v. United Republic of Tanzania. The case involved a woman's right to marital property and fair trial issues. During this reporting period WLAC did more research for Sophia Motto's case and filed a Rejoinder to a Member State's Reply on October 23, 2003, disputing the contents of the Reply and arguing procedural issues.

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<sup>9</sup> First and Second Quarterly Report (November 1, 2002 through April 30, 2002), dated August 20, 2002, page 28.

## **2. Strategic Litigation to Advance Women's Inheritance Rights**

### **a. USAID - Funded Work**

During the second half of this reporting period, WLAC began planning, in conjunction with the Clinic Director and key players in Tanzania, a test case on behalf of a widows and girls denied equal inheritance rights under customary law. The test case will be a Clinic/WLAC project during the fall 2004 semester, and will build on the spring 2002 project that completed a draft bill to give equal inheritance rights. The test case will build pressure on the executive branch to proceed with the legislation. If WLAC loses the case and the legislation is not passed, the partners will be able to bring the matter to an international forum (e.g. the U.N. Human Rights Committee).

With funding from USAID, WLAC attorneys conducted both legal and factual research on domestic violence and represented victims of domestic violence and discriminatory inheritance laws through the Legal Aid Services program from November 2002 through March 2003. WLAC's representation both helps individual women and leads to identification of suitable cases for strategic litigation. Other donors also fund Legal Aid Services work.

### **b. Anonymous Donor – Funded Work**

With funding from the Anonymous Donor, WLAC conducted both legal and factual research on inheritance and land issues. WLAC lawyers represented victims of discriminatory inheritance and land laws through the Legal Aid Services program from July 2003 through September 2003. WLAC's representation both helps individual women and leads to identification of suitable cases for strategic litigation. Other donors also fund Legal Aid Services work.

## **3. Private Prosecution for the Genital Mutilation of Three Girls**

### **USAID - Funded Work**

As described in the First and Second Quarterly Report,<sup>10</sup> WLAC partnered with the Legal and Human Rights Centre and brought a rare private prosecution case on behalf of three girls in the Morogoro Region who were genitally mutilated. During this reporting period, the court issued a judgment against the three mutilated girls based on lack of evidence. The three girls refused to undergo the medical examination required to prove the mutilation, due to modesty concerns. Despite this setback, WLAC observed that the rigorous media coverage of the case raised awareness among the Maasai community that FGM practitioners face legal consequences, potentially helping to deter the practice of FGM.

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<sup>10</sup> First and Second Quarterly Report (November 1, 2001 through April 31, 2002), dated August 20, 2002, page 30.

## **D. A Challenge to Sex-Based Adultery Divorce Law: Uganda**

### **USAID - Funded Work**

On March 7, 2003, LAW-U's strategic coalition filed a petition challenging the discriminatory divorce law which allows men to secure a divorce based on their spouse's adultery alone, but denies the same right to women. A press conference, covered by local radio and TV stations, was also held. The Attorney General responded to the petition by filing preliminary objections, which coalition members reviewed and responded to during the reporting period.

As discussed in the First and Second Quarterly Report,<sup>11</sup> LAW-U started the strategic litigation coalition to challenge this law. The Clinic and LAW-U prepared the lawsuit during the Fall 2001 semester. During that semester, the Clinic worked with Ugandan attorney and LAW-U member Esther Kisaakye both while she was in Uganda and upon her arrival at the Clinic in mid-November 2001 as a Visiting Scholar pursuant to the grant. On her return to Uganda in January 2003 she spearheaded efforts to file the lawsuit.

## **IV. Strengthen Civil Society Organizations to Advocate Women's Legal Concerns**

### **A. Ghana's Civil Society Work: Domestic Violence**

#### **Ghana US Embassy Public Affairs Section – Funded Work**

On November 21-22, 2002, LAWA-Ghana held a Trainer of Trainers' workshop at the US Embassy Public Affairs Section in Accra. The objective of this training was: to share substantive information on domestic violence; to increase the number of trained women's rights educators for advocacy work in the country – particularly in the area of domestic violence; and to share skills gained by sister organizations. Workshops such as this encourage civil society actors to collaborate on women's rights issues, thereby strengthening civil society's collective capacity to advocate effectively. The Clinic 2002 summer interns successfully raised the funds from the US Embassy Public Affairs Section for this program.

On July 16, 2003, members of LAWA-Ghana were participants at a seminar sponsored by the Ark Foundation (whose Executive Director is LAWA-Ghana Member Angela Dwamena-Aboagye), which educated church leaders on domestic violence. Participants engaged the audience in a discussion of domestic violence and disputed that it is sanctioned under biblical passages.

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<sup>11</sup> First and Second Quarterly Report (November 1, 2001 through April 31, 2002), dated August 20, 2002, pages 30-31.

## **B. Nigeria's Civil Society Work: Adoption of the African Protocol on the Rights of Women; Women's Participation in Politics**

### **a. USAID - Funded Work**

With funding under the USAID grant for lawyer time and support from the Open Society Initiatives for West Africa (OSIWA), WRAPA organized a one-day round table meeting on the Proposed African Protocol on the Rights of Women (Abuja, March 19, 2003). Participants considered the quality of representation for Nigeria at the Second Expert's meeting in Addis Ababa. They studied the provisions of the Draft Protocol and compared domestic laws and practices to the Protocol provisions, proposed further amendments, and outlined strategy plans for education about and implementation of the Protocol. The meeting was attended by representatives of NGOs working on women's rights in Nigeria, academics, private legal practitioners, experts on Islamic law (Shari'a), representatives of the Ministry of Women Affairs and Youth Development, and the National Human Rights Commission. On July 11, 2003, the African Union adopted the Protocol, which will go into effect once it is ratified by 15 states.

WRAPA was actively engaged in increasing the participation of women in politics through research, direct engagement with women candidates and political parties, and collaboration with civil society groups. This included organizing and hosting a retreat for 36 women politicians and activists for an informal discussion to review and map out a way forward to enhance the political participation of Nigerian women in the future. The retreat took place in Kogi State from July 1-3, 2003.

### **b. Other Donor (Various) – Funded Work**

In addition to the above, WRAPA participated in a number of other conferences and meetings, which helped strengthen its civil society work. While WRAPA's activities were not funded by either donor, they are reported here to show the range and depth of WRAPA's work with CSOs to advocate for women's legal concerns. The groups it worked with included:

- Citizens Forum for Constitution Reform Conference, which reviewed the 1999 Constitution with a focus on gender concerns (November 13-15, 2002).
- International Human Rights Law Group meeting at which WRAPA presented a paper entitled *Shari'a and Women's Rights* (November 19, 2002).
- Federation of Women Lawyers Conference, which addressed women's access to justice (Abuja, December 9-11, 2002).
- Workshop on child labor and trafficking in women which sought to strengthen NGOs and governmental agencies' field activities (January 15, 2003).
- *Consultative Forum on Women Empowerment*, which addressed strategies for attaining the millennium human development goals (April 16, 2003).
- International Human Rights Law Group's conference addressing human rights issues and the Shari'a legal system in Nigeria (August 5-7, 2003).

In October 2003, WRAPA published its analysis of the experiences of women in the 2003 Nigerian elections in a report entitled: *Nigeria 2003 Elections: The Experiences of Women*

*Aspirants in Political Party Primaries.* The report is a resource for civil society groups, political scientists, public officials, and female political candidates seeking to understand the challenges women face in the political arena in Nigeria. It commends the perseverance shown by female candidates in the 2003 elections and encourages women to continue to aspire to serve Nigeria as elected representatives.

### **C. Tanzania's Civil Society Work: Inheritance Rights**

#### **a. USAID - Funded Work**

WLAC continued to play a lead role in the Inheritance Rights Taskforce (a coalition of NGOs). Other taskforce members participated in the two parliamentary roundtable organized by WLAC and described in Part II.D. WLAC's leadership in this coalition both furthers collaboration among civil society actors and strengthens its advocacy efforts toward passage of the draft inheritance bill.

WLAC continues to build alliances with different partners in order to strengthen the networks and coalitions working for reforms that benefit women. During this reporting period, WLAC members and staff continued participation in local, national, and international conferences, meetings, workshops and seminars. WLAC's alliances are with the following NGOs:<sup>12</sup> TAMWA, TAWLA, TGNP, WAT, Feminist Activism (FEMACT), Southern Africa Human Rights Non-Governmental Organizations Network (SAHRINGON), WiLDAF and the Gender Land Task force (GLTF).

### **D. Uganda's Civil Society Work: the Domestic Relations Bill**

LAW-U's extensive civil society work in relation to the Domestic Relations Bill is outlined in Part II.E. In addition to that work, members of LAW-U participated in several workshops and conferences to strengthen civil society organizations' commitment to women's rights advocacy.

#### **a. USAID - Funded Work**

- Parliamentarian and LAW-U member Dora Byamukama participated in a workshop of the Parliamentary Advocacy Forum addressing the human rights concerns of Uganda's conflict-stricken northern region. LAW-U argued the government must address the human rights violations suffered by women during conflict (November 8, 2002).
- Ms. Byamukama participated in a workshop on the need for the Equal Opportunities Commission (EOC) to help women and minorities advance (May 22, 2003).
- Ms. Byamukama presented at the Uganda Parliamentary Press Association Training Workshop regarding the EOC, the Land Bill and its impact on gender, and media trends regarding gender issues (June 8-9, 2003).
- LAW-U member, Sarah Lubega, participated in an NGO-organized roundtable discussion about the Domestic Relations Bill (December 2002).

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<sup>12</sup> TAMWA (Tanzania Women's Media Association); TAWLA (Tanzania Women Lawyer's Association); TGNP (Tanzania Gender Networking Programme); WAT (Women's Advancement Trust); WiLDAF (Women in Law and Development in Africa).



- Ms. Lubega also participated in the Sixth East African Economic and Social Top Policy Forum, which focused on corporate social responsibility and its effects on women's ability to improve their economic position (November 2002).

**b. Other Donor (Various) – Funded Work**

- In April 2003, Ms. Lubega attended an UWEAL (Uganda Women's Entrepreneurs Association) breakfast in which women debated strategies to further the economic empowerment of girls and to support women who have recently graduated from college.
- Member of Parliament and LAW-U director Dora Byamukama participated in the thirteenth commonwealth law conference in Melbourne, Australia. She led the discussion of the topic "Justice for all: Power, Politics, and Payment" and spoke on the issue of affirmative action during a session on the commonwealth and the law.

**V. Increased Knowledge of and Receptivity to Women's Legal Rights**

**A. Ghana's Education Activities: Human Rights, Domestic Violence and Trafficking**

**a. USAID - Funded Work**

The Clinic's summer intern with LAWA-Ghana wrote a Booklet on the Consolidated Constitution and a successful grant request to the US Embassy for publication costs (scheduled for printing in 2004.) The educational booklet outlines the general provisions of the Constitution of the Republic of Ghana (1992). The booklet addresses in detail Constitutional provisions on Fundamental Human Rights and Freedoms and provides a more general synopsis of the other chapters. Originally, 10,000 booklets will be printed.

LAWA-Ghana plans to continue educational activities related to the Domestic Violence Bill. The next major advocacy educational campaign currently being planned by LAWA-Ghana relates to the issue of Trafficking.

**b. Anonymous Donor – Funded Work**

LAWA-Ghana held two public education sessions on Domestic Violence in the Amasaman and Dodowa districts, on August 5, 2003 and September 16, 2003, respectively. These sessions are described in Part II.A.1.b.

**B. Nigeria's Education Activities: Violence Against Women; and Women in Politics**

**a. USAID - Funded Work**

On December 18, 2002, and October 8, 2003, WRAPA held public education sessions on the Draft Bill on Violence Against Women. These sessions are detailed in Part II.A.2.a.

### **b. Anonymous Donor – Funded Work**

With lawyer funds provided by the Anonymous Donor, WRAPA took a leading role in efforts to increase women's involvement in the political process. WRAPA Secretary-General, Saudatu Mahdi, held a press conference and was featured in a radio program on the issue. She also worked on several programs related to seeking redress for women eliminated from the election process. Finally, WRAPA educated voters about the election process.

### **C. Tanzania's Education Activities: Equal Inheritance Rights; and Women's Human Rights**

#### **a. USAID - Funded Work**

In response to a request by the Association for Women with Disabilities in the Kibaha region, WLAC organized the public education session on inheritance rights discussed previously in Part II.D.a. In addition to educating participants through lecture and discussion, WLAC distributed various printed materials on women's human rights.

WLAC continued to play a leading role in the Inheritance Rights Taskforce, as noted in Part IV.C. A legislative consultation on inheritance law was also conducted for Church and Christian ministry leaders in Dar-es-Salaam on July 18-19, 2003. This workshop is discussed more fully in Part II.D.a.

WLAC recorded several radio programs from March through May, 2003, on various women's human rights issues including:

- Discriminatory inheritance laws;
- Subjecting young girls to female genital mutilation; and
- Marriage and childbirth.

One of the most successful programs was the Mwangaza Radio Programme aired through Radio Tanzania, Dar es Salaam (RTD). In addition to broadcasting the arguments of women's rights advocates, the radio programs also included the voices of women who suffered human rights abuses. These radio programs have reached large audiences, including women who would not otherwise have any knowledge of their legal rights.

In August, 2003, WLAC completed the CEDAW (Committee on the Elimination of Discrimination Against Women) Shadow Report, first drafted by Clinic summer interns the previous summer. This report on behalf of many women's rights NGOs reported on Tanzania's compliance with its CEDAW<sup>13</sup> commitments and urged that discriminatory inheritance customary law be abolished and that gender-sensitive land laws be enacted. The United Nations CEDAW Committee can not accept WLAC's report because the Tanzanian government has not yet submitted its overdue report to the Committee. WLAC will nonetheless publish this important information. The Centre plans to fundraise for the cost of printing the report and submit the final report to government officials, activists, and other stakeholders.

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<sup>13</sup> CEDAW here refers to the Convention on the Elimination of All Forms of Discrimination Against Women, ratified by Tanzania in 1985.

With lawyer funds provided by USAID, WLAC held a “training of trainers” session for 30 paralegals in Dar es Salaam from March 24-28, 2003. These sessions provide paralegals with information regarding various women’s rights issues so that they can provide greater access to justice for women in rural regions, where legal support is lacking.

As described in past reports, in addition to other educational programs, WLAC provides various stakeholders with educational materials, such as booklets, t-shirts, posters, and pamphlets, with advocacy messages regarding women’s and children’s human rights.

**b. Anonymous Donor – Funded Work**

As noted above, WLAC provides information regarding women’s human rights issues via a weekly radio program. Lawyer time for participation in this program was sponsored by the Anonymous Donor from June to September 2003.

Moreover, Anonymous Donor funds permitted WLAC to hold a press conference on inheritance issues in July 2003. This helped to educate the press about the issues covered in the legislative consultation discussed previously in this section.

**D. Uganda’s Education Activities: the Domestic Relations Bill; Women and HIV/AIDS; Women and Agriculture**

**a. USAID - Funded Work**

In January 2003, LAW-U held a public education session for over 50 participants in Mubende, central Uganda, on the draft Domestic Relations Bill. This program is discussed in Part II.E.

In an effort to reach as many people as possible, LAW-U members also participated in television and radio programs devoted to discussions of women and HIV/AIDS. In March and April, two LAW-U members participated in three live television talk shows organized by the Uganda Network on Law, Ethics and HIV/AIDS. They specifically focused on the topic of women, marriage and HIV/AIDS. Speaking in the local language of the western region, LAW-U member and parliamentarian Dora Byamukama hosted two radio call-in talk shows on HIV/AIDS, marital property, and the law.

**b. Other Donor (Various) – Funded Work**

Dora Byamukama continued to advance women’s rights in many fora. In particular, she:

- Attended the 34<sup>th</sup> Commonwealth Parliamentary Association Regional Conference for Africa (Nairobi, August 1-8, 2003), where she delivered two papers. The first, on behalf of the MPs of the Ugandan delegation, highlighted women’s agricultural work (75% of all producers) and governments’ failure to plan and budget for their concerns or to protect their rights. The second addressed “The African Woman and Economic Empowerment:

The Case of Uganda” (August 6) and urged reform of land ownership laws to give women greater economic rights.

- Facilitated a capacity-building workshop for female District Councilors of the Ugandan Mid-Western region (August 15, 2003). The workshop trained women to contribute effectively in their district councils.
- Attended a conference on the Role of Women in Peace Building and Conflict Resolution, and then attended a session organized by the Uganda Women Parliamentarians’ Association on legislation for spousal co-ownership of land (August 16-17, 2003).
- Presented issues pertaining to women’s land rights in Uganda to the East African Sub-Regional Support Initiative for the Advancement of Women (EASSI) (September 4, 2003).

## **VI. The Clinic’s Accomplishments: Legislation, Litigation and Human Rights Reports that Advance Women’s Human Rights; Planning and Administration; the Leland Initiative**

### **A. Advancing Women’s Human Rights**

#### **USAID and GULC-Funded Work**

For the work described below, USAID funded the spring fact-finding trips to Ghana, the Clinic’s summer intern work with LAWA-Ghana, the Visiting Scholar’s expenses, and the work of a Georgetown adjunct professor (the latter until July 1, 2003 only). The Georgetown University Law Center funded all other Clinic expenses (e.g. the Director’s salary).

The Clinic completed six major women’s human rights projects and started two new ones. For full details, see the descriptions of its joint work with the partner NGOs on legislation, litigation, and human rights reports in Parts II and III. The projects covered the following subjects:

- Domestic Violence in Ghana (II.A.1);
- Employment Discrimination in Uganda (II.B.2);
- Domestic Servitude and Trafficking in Ghana (II.C.1);
- Muslim Equal Marital Rights in Nigeria (II.F.1.a.);
- Divorce for Abused Women and Age 18 Marriage Requirement in Nigeria (II.F.1.b.);
- Muslim Equal Marital Rights in Uganda (II.F.2);
- Integrating Women into Constitutional Traditional Governance in Ghana (II.G.); and
- Reversal of Stoning Death Penalty for Woman Convicted of Zina in Nigeria (III.A.1).

In the grant’s second year, the Clinic’s test-case litigation strategy proved successful. This suggests that strategic litigation may lead to concrete changes in the law more rapidly than legislative strategies. LAWA-Ghana’s lawsuit against Ghana’s law prohibiting women’s night work, and its subsequent negotiations with the government, helped end the legal ban on women’s night work. After these events, the government finally sent Parliament a Labour Act repealing the old law, and the Act was law by the end of October, 2003. And in September, 2003, Nigeria WRAPA’s work on behalf of Amina Lawal established an important precedent making sex-

discriminatory zina criminal prosecutions very difficult, thus helping many other Muslim women in Nigeria's northern states.

The Clinic's four summer interns contributed significantly to the work of LAWA-Ghana and other women's rights NGO's such as the Ark Foundation and FIDA. They contributed to projects on sexual harassment, marital rape, domestic violence, women's Constitutional rights; and women's exclusion from the Constitutional Houses of Chiefs. The interns' work products included a proposed bill, legislative memoranda, talking points, educational handouts, a booklet, and reports on the domestic violence public education sessions. They also helped organize and participate in the public education sessions. For a more detailed list of their work, see the Summary of LAWA-Ghana's Accomplishments, on page 2.

## **B. Planning and Administration**

### **a. USAID and GULC-Funded Work**

For the work described below, USAID funded the September 2003 planning conference (excluding travel expenses)<sup>14</sup> and the work of a grants administrator (from August 1, 2003 until October 31, 2003). GULC funded the other Clinic work.

The Clinic held a useful planning conference with three of its partner NGOs on September 27-28, 2003. During the first day, the NGO lawyers shared their "Successes and Obstacles Since the Durban Conference, December, 2001." Tanzania lawyers described their work with discriminatory inheritance laws. Uganda focused on the Domestic Relations Bill and the lawsuit against the sex-discriminatory Divorce Act. The Ghana presentation concerned the night work litigation and the human rights project concerning trafficking, servitude, and abuse of female domestic workers. During a later session, the lawyers discussed their common challenges and shared strategies for moving forward. The next day, the NGOs continued a joint session on the same subject. They concluded by breaking into separate groups by country in order to plan their work for the final year of the grant. The Clinic used their final plans to write the Clinic-NGO contract modifications for the third year of the USAID grant, and the second of the Anonymous Donor grant.

Throughout the year, the Clinic Director continued managing the different program components. At the end of December 2002, the Visiting Scholar completed her year of research and writing about the impact on women of East African family and inheritance law. The Director also oversaw the fact-finding mission to Ghana (March 2003), and the recruitment and administration of the Ghana summer internships (summer 2003). Throughout the year, she managed the system for NGO quarterly reports, attorney time sheets, and invoices. In late July 2003, she also hired the first full-time grants administrator and supervised her thereafter.

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<sup>14</sup> Another organization brought them to Washington, D.C., for a different conference; thus, it was unnecessary to pay for their travel. The Clinic conference followed the other conference.

During the second USAID grant year (the first Anonymous Donor year), the Clinic analyzed the program's implementation problems<sup>15</sup> and identified solutions. The Clinic then secured USAID permission to reprogram and reallocate the necessary funds for improving the program. The new budgeting allowed the Clinic to:

- hold the planning conference;
- hire a full-time grants administrator;
- connect the partners through high-speed, broadband internet access; and
- provide access to internet research libraries for international human rights work.

#### **b. Anonymous Donor – Funded Work**

Under the Anonymous Donor grant, the Clinic-NGO contracts allocated some monies for work by accountants. The Clinic also submitted a proposal to the Anonymous Donor for a student research assistant to work on grants administration.

### **C. The Leland Initiative**

#### **USAID and GULC-Funded Work**

Another aspect of the Director's work concerned the Leland Initiative goal: to connect the partners through high-speed broadband internet access. Such access will allow the NGO partners (and other women's rights NGOs) to access the internet's wonderful research libraries on international human rights. It will also provide, through video-conferencing, greatly enhanced opportunities for communication and mutual support among all partners. Initial research on internet providers and monthly fees showed the costs could not be met under the grant budget. As noted above, the Clinic solved this problem near the end of the year by obtaining permission to reallocate and reprogram USAID funds into a one-year pilot project whose costs could be met.

### **VII. How Work Helps Support USAID's Regional and Country Mission Strategic Objectives**

In this Part, we discuss the partners' contributions to supporting the regional objectives (human rights, democracy and broad-based sustainable economic development) and each country's USAID mission objectives (see Part VII.A-D below).

In general, each NGO's work supports the regional human rights and democracy objectives. All legislation and litigation is built upon national, comparative, regional and international women's human rights arguments. In addition, all the work activities target national legislatures, judiciaries and executive branch officials, and they work in coalitions with

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<sup>15</sup> Each partner required more administrative staff to insure timely compliance with the grants' financial and quarterly reporting requirements and with holding all NGO events. The original USAID grant budget did not include enough money for the monthly internet fees required to meet the Leland initiative project goals. The partners had not had a chance to plan as a group since the initial meeting in December 2001.

other civil society organizations and/or these governmental actors. Thus, all contribute to increasing the capacity of the different players in a vibrant democracy.

Concerning economic development, many of the projects help women achieve greater access to economic resources. These resources in turn allow women to make greater economic contributions to society and to build their own personal economic wealth. There can be no broad-based and sustainable economic development without the full participation of women in national economies.

We show below how each NGO's projects advance the USAID Missions' Goals and Objectives.

#### **A. Ghana**

**Country Objectives: Democracy; Human Rights; Civil Society; Family Health; Primary Education; Private Sector Growth to Alleviate Poverty; Objective that Public Policy Better Reflect Civic Input – And (Specifically for this Project) Send Mission Copies of Draft Bills; Work with Parliamentary Standing Committee on Gender and Children, Ministry for Women's Affairs, and Women's Caucus; and Insure Participation of Other NGOs, including FIDA and Ark Foundation**

LAWA-Ghana's domestic violence advocacy continues to support these strategic objectives in various ways. LAWA-Ghana's educational programs on domestic violence, previously described, strengthen democracy, human rights, civil society, and civic participation in public policy. In addition, these programs help strengthen family health by seeking to reduce domestic violence and educating the public on how to respond to domestic violence. The human rights report on domestic violence will also extend awareness of the issue and advance LAWA-Ghana's advocacy efforts, in particular with members of the executive and legislative branches of government. In addition, the human rights reports on domestic workers and women's exclusion from the Constitutional Houses of Chiefs further similar objectives.

The strategic litigation attacking the legislative ban on women's night work led to a provision in the new Labour Act repealing the ban. This advances human rights and family health as it helps improve women's access to jobs and higher wages, thereby promoting the economic well-being of families. The lawsuit enabled LAWA-Ghana to have a direct input on public policy issues.

LAWA-Ghana works with other NGOs and CSOs to further women's rights. LAWA-Ghana members were participants in a seminar on domestic violence sponsored by the Ark Foundation. They also regularly consult with other women's groups, including FIDA and the Ark Foundation on issues of discrimination and gender equality.

With this report, the Clinic will send copies of all draft bills related to this reporting period to the mission.

## **B. Nigeria**

**Country Objectives: Sustain Transition To Democratic Civilian Government; Education Reform; Maternal and Child Health; Decrease HIV Transmission; Enhance Judicial Sector Capacity to Interpret and Enforce Legislation in a Gender Equitable Way (Judicial Reform Program); Increase Women's Access to Justice (Civil Society Program) – And (Specifically for this Project) Include Nigerian Judges in Training Efforts Concerning Human Rights and Women's Rights; Work with USAID Partners to Help Build a More Responsive Judiciary to Women's Rights**

WRAPA's legislative advocacy of the bill on violence against women advances maternal and child health, increases women's access to justice, and enhances judicial capacity to respond favorably to women's rights. By including administrators and justices in its public education sessions, WRAPA is both training the judiciary and listening to the judiciary's suggestions, increasing the likelihood that judges will correctly interpret and enforce the law once the legislature passes it. In addition, the public education sessions encourage dialogue between civil society and government, strengthening Nigeria's emerging democracy. Marital rape and early marriage, in particular, have adverse health consequences, including the increased spread of HIV. Therefore the strengthening of families through WRAPA's efforts to ensure that Nigerian law protects women from violence will likely improve maternal and child health and decrease HIV transmission.

Furthermore, WRAPA's representation of women in cases of violence and discriminatory inheritance laws also helps create a judiciary more receptive to women's rights. WRAPA's representation of Amina Lawal and strategic efforts regarding the clinical model code for more equal marriage and divorce rights in the Northern States' Shari'a legal systems increase women's access to justice and enhance judicial capacity to respond favorably to women's rights. The other WRAPA clinical projects – to grant divorce rights to wives subject to domestic violence and transmission of HIV/AIDS by adulterous husbands, and to end early marriage and childbirth – fulfill the same mission goals, as well as those concerning maternal and child health and HIV/AIDS transmission. Moreover, WRAPA's intervention in cases of wrongful disinheritance requires that judges uphold the Nigerian Constitution even in the face of contrary customs and traditional practices.

Lastly, WRAPA's work to advance the African Draft Protocol on the Rights of Women furthers the country objectives. By increasing governmental and public awareness of the international and regional norms guaranteeing women's equality, WRAPA helps secure women's access to justice and strengthen democratic values within society. In virtually all its work, WRAPA works closely with other USAID funded partners, such as the International Human Rights Law Group (now, Global Rights).



### **C. Tanzania**

**Country Objectives: More Effective Civil Society and Government; Stronger Democratic Institutions; Rule of Law; Human Rights; Maternal Health; Decrease HIV Transmission; Create Employment and Generate Economic Growth; Key Intermediate Results That Civil Society Organizations Effectively Present Women's Rights Issues to Government – And (Specifically for this Project) Send Copies of Quarterly Reports to Mission; Seek Mission Advice on New Opportunities, Directions, and Possible Future Mission Financial Support**

WLAC's comprehensive, multi-pronged work to reform Tanzania's discriminatory inheritance laws will contribute to almost all the country objectives. By working with civil society, NGOs, and governmental officials from both Parliament and the Executive Branch, WLAC is contributing to a more effective civil society and government, stronger democratic institutions, rule of law, and human rights for women. Inheritance reform will give women more economic resources, thus allowing them both to pay for more adequate medical care for themselves and to generate economic growth through their use of these increased assets. The legal representation for victims of domestic violence will help improve maternal health and reduce HIV/AIDS transmission by preventing attacks on women that inflict injuries, permanent disabilities, and HIV/AIDS infections (through marital rape). All these efforts will help ensure that civil society organizations more effectively present women's rights issues to government. Finally, the Clinic is sending all USAID missions copies of this report.

### **D. Uganda**

**Country Objectives: Expand Civic Pluralism; Increased Use of Constitutional Checks and Balances; Maternal Health (Increase Service Utilization; Change Behaviors); Increased Percentage of Children Receive Quality Basic Education; Increase Rural Household Income – And (Specifically for this Project) Enhance Both Civil Society's and Parliament's Understanding of Women's Human Rights and also Their Capacity to Influence National Policy and Budget Policies in Coordination with Uganda; Create New Clinical Education Component for Makerere University**

LAW-U promotes many of these objectives through its work on the draft Domestic Relations Bill and its litigation on the discriminatory Divorce Act. During the year, LAW-U held one public education session, three legislative consultations and one parliamentary round table on the draft Domestic Relations Bill. By raising public awareness and including various segments of society in its educational outreach, LAW-U has expanded civic pluralism, enhanced understanding of women's human rights within Parliament and civil society, and increased civil society's capacity to influence national policy. Moreover, in mobilizing communities to pressure their elected representatives, these events also strengthen the hand of Parliament as compared to the Executive Branch. Furthermore, LAW-U's advocacy surrounding the draft Domestic Relations Bill increases children's access to education because it empowers women economically thereby helping them better support their families by providing children with the

basic nutrition and school supplies necessary to pursue their educations. The new LAW-U/Clinic employment discrimination project meets the same goals.

The strategic litigation challenging the discriminatory divorce law gives women the ability to divorce adulterous husbands, thus decreasing the possibility of HIV/AIDS transmission and improving maternal health. It will increase judicial understanding of women's human rights, build the power of judges as part of a constitutional system of checks and balances, and provide civil society with an example of another way to advance women's human rights.

LAW-U members participated in several workshops organized and attended by various civil society organizations, parliamentarians, and other governmental officials. Covering a broad range of women's rights issues and attracting participation from both civil society and government, these workshops clearly strengthen civil society's understanding of women's human rights and their capacity to influence national policy. Finally, the Visiting Scholar completed her work with the Clinic and returned to teaching at Makerere University where she explored starting a new clinical education program.